

BILL NO. Z-85-03-48

ZONING MAP ORDINANCE NO. Z-05-85

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. N-42.

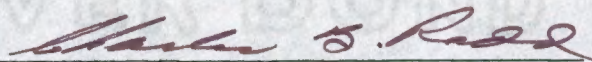
BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,  
INDIANAL

SECTION 1. That the area described as follows is hereby  
designated an R-1 (Single Family Residential) District under the terms  
of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

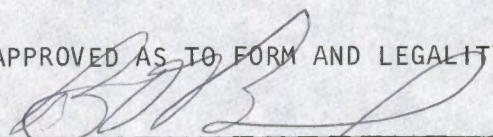
Lot C in A.F. Smith's Subdivision as recorded in the  
office of the Recorder of Allen County, Indiana, except  
the North 699 feet thereof

and the symbols of the City of Fort Wayne Zoning Map No. N-42, as established  
by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana  
are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and  
effect from and after its passage and approval by the Mayor.

  
COUNCIL MEMBER

APPROVED AS TO FORM AND LEGALITY:

  
BRUCE O. BOXBERGER, CITY ATTORNEY



Read the first time in full and on motion by \_\_\_\_\_, seconded by \_\_\_\_\_, and duly adopted, read the second time by title and referred to the Committee \_\_\_\_\_ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ .M., E.S.

DATE: \_\_\_\_\_

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Read, seconded by Read, and duly adopted, placed on its passage. PASSED ~~(LOST)~~ by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 4-23-85

Madegda Escherff  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(ANNEXATION)~~ (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. 3-05-85  
on the 23rd day of April, 1985,

ATTEST:

(SEAL)

Madegda Escherff  
SANDRA E. KENNEDY, CITY CLERK

Mark E. G. D. J.  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of April, 1985, at the hour of 11:30 o'clock A. .M., E.S.T.

Madegda Escherff  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 25th day of April, 1985, at the hour of 900 o'clock A. .M., E.S.T.

Win Moses, Jr.  
WIN MOSES, JR., MAYOR



PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. \_\_\_\_\_

DATE FILED \_\_\_\_\_

INTENDED USE \_\_\_\_\_

THIS IS TO BE FILED IN DUPLICATE

I/We Richard R. and Minota J. Bidlack  
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-A District to a/an R-1 District the property described as follows:

Lot C in A.F. Smith's Subdivision as recorded in the office of the  
Recorder of Allen County, Indiana, except the North 699 feet thereof.

(Deed Recorded - Book 694 PAGE 546)

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

900 E. Cook Road

Fort Wayne, Indiana

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

<u>Richard R. Bidlack</u>	}	<u>5508 Wapiti Dr.</u>	<u>Richard R. Bidlack</u>
<u>Minota J. Bidlack</u>		<u>Fort Wayne, Indiana 46804</u>	<u>Minota J. Bidlack</u>
_____ (Name)		_____ (Address)	_____ (Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by \_\_\_\_\_  
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

<u>Thomas A. Swihart</u>	<u>710 Lincoln Bank Tower</u>	<u>422-9402</u>
(Name)	(Address & Zip Code)	(Telephone Number)
	Fort Wayne, IN 46802	

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/ 427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.



## RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on March 26, 1985, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-85-03-48; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on March 18, 1985;

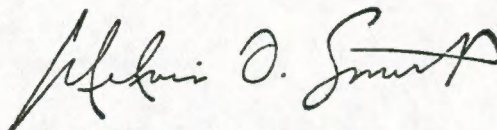
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held March 25, 1985.

Certified and signed this  
8th day of April 1985.



Melvin O. Smith  
Secretary

ORIGINAL

Admn. Appr. \_\_\_\_\_

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment

3-85-03-48

DEPARTMENT REQUESTING ORDINANCE Land Use Amendment - CD&P

SYNOPSIS OF ORDINANCE Lot C in A.F. Smith's Subdivision, except the north 699 feet  
commonly known as 900 E. Cook Road.

EFFECT OF PASSAGE Property is now zoned RA - Suburban Residential. Property  
will become R-1 - Single Family Residential

EFFECT OF NON-PASSAGE Property will remain RA- Suburban Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

(ASSIGN TO COMMITTEE (J.N.)) \_\_\_\_\_



**FACT SHEET**

Z-85-03-48

BILL NUMBER

**Division of Community  
Development & Planning****BRIEF TITLE**

Zoning Ordinance Amendment

**APPROVAL DEADLINE****REASON****DETAILS****Specific Location and/or Address**

900 Block East Cook Road

**Reason for Project**

Develop a single family subdivision.

**Discussion (Including relationship to other Council actions)**  
March 18, 1985 - Public Hearing

Tom Swihart, attorney for petitioners, stated that the petitioners want the rezoning so that the entire Lot C will be zoned one zoning. Presently the northern portion of the lot is R-1 and the portion being requested for rezoning is RA. He stated they have submitted a development plan for the presently zoned R-1 property and if rezoned the southern portion will be compatible for future development.

Ben Eisbart stated that the staff recommended deferral of the rezoning request until such time as a plan is submitted for development of this portion also.

Mr. Swihart stated they are asking for the rezoning because the RA zoning requires a larger lot size and he felt the staff's request was a concern that the property to the south that is up for rezoning would be landlocked, since there is no access to this portion, except through the northern portion of the lot.

Edith Kenna asked Mr. Swihart what his reaction to a deferral would be.

**POSITIONS****Sponsor**

City Plan Commission

**Area Affected**

City Wide

Other Areas

**Applicants/  
Proponents****Applicant(s)**

Richard &amp; Minota Bidlack

City Department

Other

**Opponents****Groups or Individuals****Basis of Opposition****Staff  
Recommendation**☒ For☐ Against

Reason Against

**Board or  
Commission  
Recommendation****By**☒ For☐ Against☐ No Action Taken☐ For with revisions to conditions  
(See Details column for conditions)**CITY COUNCIL  
ACTIONS  
(For Council  
use only)**☐ Pass☐ Other☐ Pass (as  
amended)☐ Hold☐ Council Sub.☐ Do not pass



**DETAILS**

Mr. Swihart stated he did not know how the developer would feel. He stated their intention was to get started as soon as possible on developing the already zoned R-1 portion of the property to the north. He stated it is possible if the southern half of the property is not rezoned R-1 as requested, they would have to change the plans to make the entire subdivision compatible, because of the difference in the size of lot requirements in the two different zonings.

V.C. Seth, Director of Planning for CD&P, stated the staff's concern is with the southern half of the property, being requested for rezoning and the fact that it is landlocked. He stated the Commission could also not give final plat approval for the northern half of the lot until a primary development plan has been submitted for the southern half of the property.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

March 21, 1985 - Business Meeting

Motion was made and carried to approve the rezoning request from RA to R-1.

**POLICY/PROGRAM IMPACT**

<b>Policy or Program Change</b>	<input type="checkbox"/> No <input type="checkbox"/> Yes
<b>Operational Impact Assessment</b>	

(This space for further discussion)

**Project Start**

**Date** February 22, 1985

**Projected Completion or Occupancy**

**Date** April 4, 1985

**Fact Sheet Prepared by**

Pat Biancaniello

**Date** April 4, 1985

**Reviewed by**  
*Gary A. Baeten*  
Gary A. Baeten

**Date** April 4, 1985

**Reference or Case Number**

RECEIPT

No 10880

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 2-22- 1985

RECEIVED FROM Thomas Swihart \$ 50.<sup>00</sup>

THE SUM OF Fifty Dollars & no/100 100 DOLLARS

ON ACCOUNT OF Rezoning Petition

900 E. Cook Rd.

B. J. Wells  
AUTHORIZED SIGNATURE

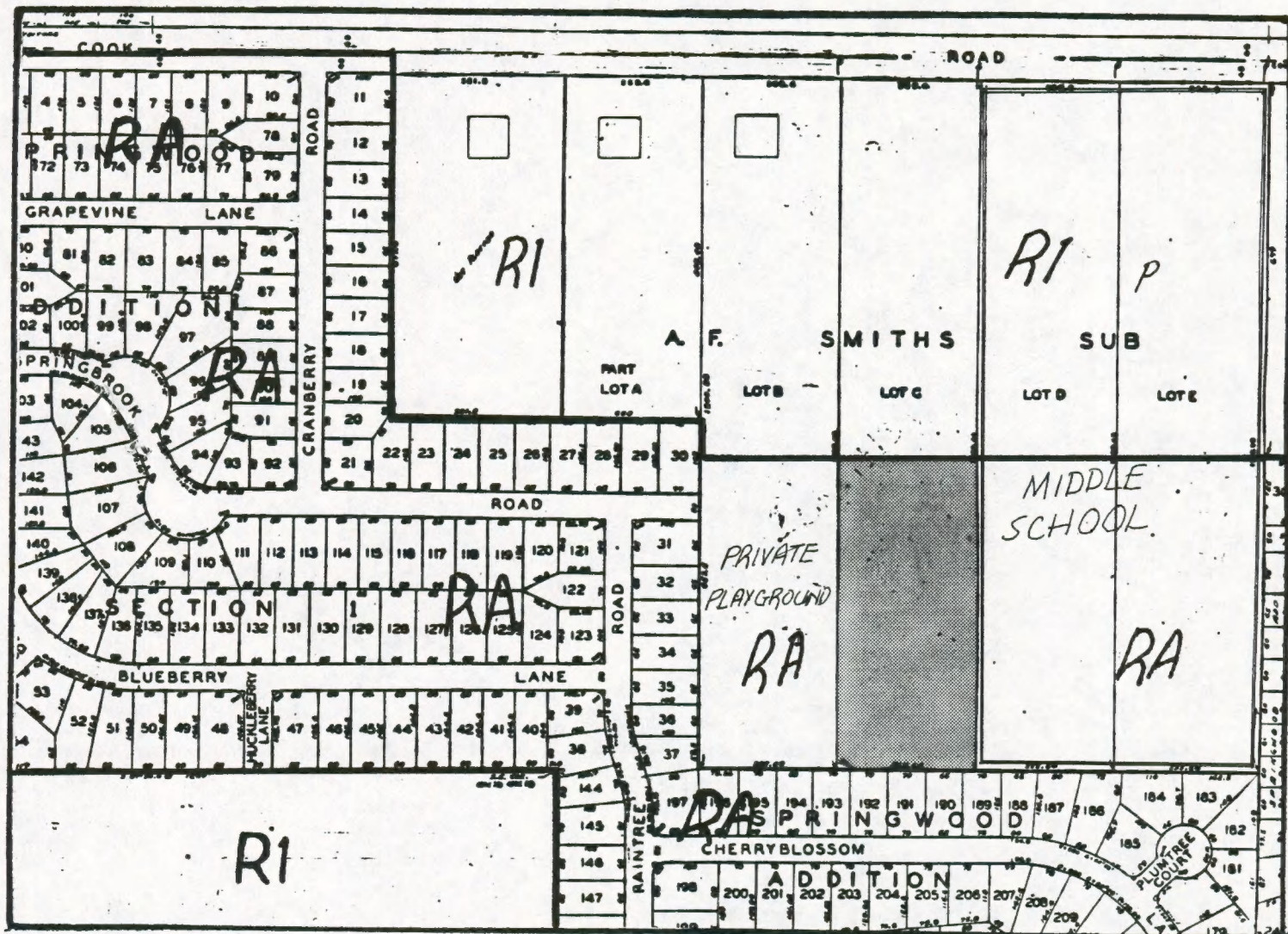


PETITION - #119

A LOCATION MAP FOR 900. E. COOK ROAD.

MAP NO. N-42

COUNCILMANIC DISTRICT NO. 163



**Zoning:**

RI RESIDENTIAL DISTRICT  
RA RESIDENCE "A"

**Land Use:**

☐ SINGLE FAMILY.  
☒ PUBLIC-INSTITUTIONAL

BILL NO. Z-85-03-48

Scale: NOT TO SCALE

Date: 3-1-85





BILL NO. Z-85-03-48

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

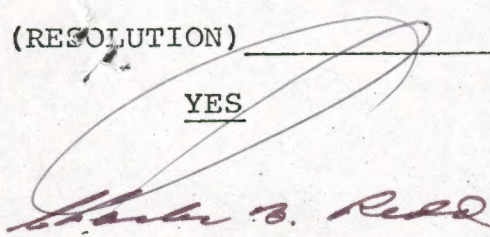
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of Fort  
Wayne Zoning Map No. N-42

W

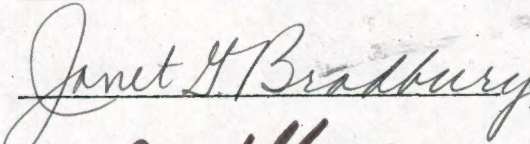
HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION AND BEG  
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)  
(RESOLUTION)

YES

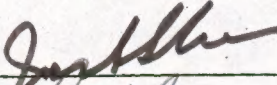
NO



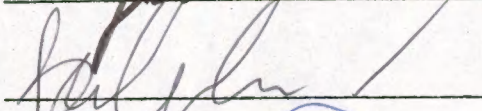
CHARLES B. REDD  
CHAIRMAN



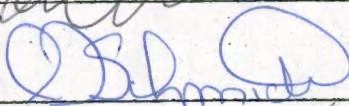
JANET G. BRADBURY  
VICE CHAIRWOMAN



JAMES S. STIER



BEN A. EISBART



DONALD J. SCHMIDT

CONCURRED IN 4-23-85

SANDRA E. KENNEDY  
CITY CLERK